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BOX RCE
PATENT
2001-1078

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Patricia DE JONG et al.
Appl. No.: 09/857,796 Group: 1761
Filed: June 11, 2001 Examiner: Keith Hendricks
For: PREPARATION THAT CONTAINS
OLIGOSACCHARIDES AND PROBIOTICS

REQUEST FOR CONTINUED EXAMINATION
UNDER 37 C.F.R. § 1.114

BOX RCE
Assistant Commissioner for Patents
Washington, DC 20231

Date: April 4, 2003

Sir:

This is a "Request for Continued Examination" under 37 C.F.R. § 1.114, the provisions of which do not apply to:

(1) A provisional application; (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) An international application filed under 35 U.S.C. §363 before June 8, 1995; (4) An application for a design patent; or (5) A patent under reexamination.

- ☒ This Request for Continued Examination is being filed prior to the earliest of:

(1) Payment of the issue fee, unless a petition under §1.313 is granted; (2) Abandonment of the application; or (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. § 141, or the commencement of civil action under 35 U.S.C. §§ 145 or 146, unless the appeal or civil action is terminated.

- ☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- ☐ The enclosed document is being transmitted via facsimile.

04/07/2003 ENGLISH 00000000 09857796

01 FC:1301	750.00 CP
02 FC:1251	110.00 CP
03 FC:1202	336.00 CP

☒ **Submission Required under 37 C.F.R. § 1.114:**

Enter as part of the present submission:

- ☐ An After Final Amendment previously filed on under 37 C.F.R. § 1.116 but unentered, in the present application.
- ☐ Arguments in the Appeal Brief or Reply Brief previously filed on .
- ☐ A Reply Under Rule 1.111, attached hereto. Claim fee(s) are calculated as set forth below:

	TOTAL NUMBER OF CLAIMS PREVIOUSLY FILED	TOTAL NUMBER OF CLAIMS BEING FILED HEREWITH	<u>NUMBER EXTRA</u>	<u>RATE</u>	<u>FEE</u>
Total Claims	13	42	22	x\$18 =	\$396.00
Independent Claims	1	3	0	x\$84 =	\$0.00
TOTAL CLAIM FEE(S)					\$396.00

- ☐ An Information Disclosure Statement (IDS) and PTO-1449 form(s) is/are attached hereto for the Examiner's consideration.
- ☒ Other: Amendment

☒ **Fees**

The required fee under 37 C.F.R. § 1.17(e) as required by 37 C.F.R. § 1.114 when the RCE is filed, is enclosed herewith:

- ☐ \$375.00 - small entity
- ☒ \$750.00 - large entity

- ☒ The applicant(s) hereby petition(s) for an extension of one (1) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). The fee has been calculated as shown below:
- ☒ NO extensions of time have been previously obtained in the prior application. Thus, a fee of \$110.00 is required for the full period of the above-requested extension of time.
- ☐ An extension of () month(s) was previously requested and paid for on in the instant application. Thus, a fee of \$0.00 is required to obtain an additional () month(s) extension.
- ☒ Enclosed is a check in the amount of \$1,256.00 for the applicable filing fee, additional claims fee, and/or extension fees.
- ☐ Please charge Deposit Account No. 25-0120 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

YOUNG & THOMPSON

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2001-1078

Attachments

(REV. 09/29/2000)